WORKERS' COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA

REYNA CASTILLO, *Applicant*

vs.

MIDNIGHT IMPRESSIONS;
AMTRUST NORTH AMERICA, *Defendants*

Adjudication Numbers: ADJ11092501; ADJ11093814
Van Nuys District Office

OPINION AND DECISION AFTER RECONSIDERATION

Defendant petitioned for reconsideration of the October 4, 2023 Findings and Order issued by the workers' compensation administrative law judge (WCJ) in ADJ11092501. Therein, the WCJ found that applicant sustained injury arising out of and in the course of employment to her head, brain, face, back and right rib, and claims to have sustained injury arising out of and in the course of employment to various other body parts.

The WCJ further found that the Utilization Review by defendant dated June 2, 2023 was timely under Labor Code section 4610(g)(1)[1] as it relates to the May 30, 2023 Request for Authorization (RFA) by applicant's primary treating physician, David Patterson, M.D., since applicant did not meet the standards required for expedited review pursuant to AD Rule 9792.6.1 (Cal. Code Regs., tit. 8, § 9792.6.1).

Additionally, the WCJ found that the services authorized pursuant to applicant's RFA of May 1, 2023 should be continued under the case of *Patterson v. The Oaks Farm* (2014) 79 Cal. Comp. Cases 910 (Appeals Board Significant Panel Decision) and ordered defendant to provide a home health aide 12 hours a day, 7 days a week until a demonstrated change in circumstances is shown.

[1] All further statutory references are to the Labor Code, unless otherwise noted.

Defendant alleges that there is no substantial medical evidence to support the WCJ's award of a home health aide, and to the contrary, applicant's condition has progressed to the extent that there is a documented improvement in her condition. Further, the WCJ had no jurisdiction to determine and reverse the Utilization Review findings of June 2, 2023, and that the holding in *Patterson* would thus not apply since there was no finding as to the need for such home aide services.

Applicant filed an Answer.

The WCJ prepared a Report and Recommendation on Petition for Reconsideration, recommending that the Petition be denied.

We issued an order granting the petition pending further review of the entire record. Subsequently, the parties agreed to participate in our voluntary mediation program to discuss the issues raised and the case-in-chief. During mediation, the parties came to a settlement agreement of both cases and resolved the lien by EDD.

On October 20, 2026, the parties presented a proposed settlement by Compromise and Release (C&R) in both cases and requested return of the matter to the trial level for review of the proposed settlement.

In order to expedite review and approval of the parties' settlement agreement, we will rescind the October 4, 2023 Findings and Order, and return this matter to the WCJ to consider the C&R of the parties. The WCJ may conduct such further proceedings as is deemed appropriate. Our decision should not be construed as a ruling on the merits of the petition for reconsideration. If the WCJ does not approve the settlement, the WCJ can issue a new decision or an order reinstating the original decision, and any aggrieved person may timely seek reconsideration of the decision.

Finally, we commend the parties for engaging in good faith negotiations and successfully resolving this matter without the need for further litigation.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the WCJ's Findings and Order dated October 4, 2023 is **RESCINDED** and this matter be **RETURNED** to the workers' compensation administrative law judge to consider the Compromise and Release and for such further proceedings as is deemed appropriate.

WORKERS' COMPENSATION APPEALS BOARD

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

I CONCUR,

/s/ CRAIG L. SNELLINGS, COMMISSIONER

/s/ JOSÉ H. RAZO, COMMISSIONER

DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

OCTOBER 23, 2026

SERVICE MADE ON THE ABOVE DATE ON THE PERSONS LISTED BELOW AT THEIR ADDRESSES SHOWN ON THE CURRENT OFFICIAL ADDRESS RECORD.

REYNA CASTILLO
TINA ODJAGHIAN LAW GROUP
HALLETT, EMERICK, WELLS & SAREEN
ALLWEISS & MCMURTRY
EMPLOYMENT DEVELOPMENT DEPARTMENT

TD/bp

I certify that I affixed the official seal of the Workers' Compensation Appeals Board to this original decision on this date.
CS